

**Bushra Vahdat**

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**From:** Bushra Vahdat  
**Sent:** Friday, December 23, 2011 12:05 PM  
**To:** Alan Gelbstein; '1sralj@gmail.com'

Good Morning;

As you are aware I had to deal with some difficult issues at Brooklyn South TVB on Wednesday, December 21<sup>st</sup> and Thursday, December 22.

Below is a summary of the events:

When I was first appointed to the position of Supervising ALJ the clerical staff at Brooklyn South approached me and handed me an affidavit signed by all of them requesting help dealing with an attorney, Mr. Cappagrosso, who appears in that court on a regular basis. The affidavit stated that they felt physically threatened by this attorney due to his actions in and out of our office. He had verbally abused the clerks on many occasions and had followed a clerk with his car and stopped the clerk's car from moving. He had then asked the clerk to get out of the car and fight it out with him. Nothing had happened since some other clerks had come by and Mr. Cappagrosso had left.

At that time I met with Mr. Cappagrosso in Sr. ALJ Gelbstien's office and we jointly had a conversation with Mr. Cappagrosso.

We explained to him that his behavior was not professional and if he did not stop his foul language and his threats we would have to take action and bar him from the TVB building. At that point he promised us that he would conduct himself according to the rules of conduct for attorneys.

As far as I was aware there were no further incidents with Mr. Cappagrosso in that office.

On Wednesday, December 21 I received an email from Danielle Calvo the SMVRI in Brooklyn (Please see attached).

She was very concerned since she had to go into the attorney room and stop Mr. Cappagrosso from shouting religious obscenities. Mr. Cappagrosso had thrown a coffee cup at another attorney, Mr. Brody, in the attorney room and after Mr. Brody had objected Mr. Cappagrosso had started to scream and shout obscenities at everyone around him. A crowd had gathered and the entire court house was disturbed.

About an hour later I received another email from Ms. Calvo stating that Mr. Cappagrosso had tried punching one of the attorneys, Mr. Mayer, but had stopped about an inch away from his face. Mr. Mayer was very upset and had left the area in fear.

I asked Ms. Calvo to speak to Mr. Cappagrosso and inform him that the rest of his cases for the day were being adjourned and that he had to leave the building at once. She followed my directions and Mr. Cappagrosso left after shouting at Ms. Calvo.

That afternoon I received phone calls from two attorneys who had witnessed the incident with Mr. Brody and Mr. Mayer. Both attorneys confirmed the account related to me by Ms. Calvo.

On Thursday, December 22, I arrived at Brooklyn South before the 8:30 calendar and along with Sr. ALJ Gelbstein interviewed Mr. Mayer, Mr. Brody, Mr. Saddique and Mr. Mehr. Again, they all confirmed the prior day's incident.

I also spoke to a few of the clerks who informed me that Mr. Cappagrosso punches the walls of the TVB office and on occasion hits the steel polls in the office with his fists. He makes such loud noise when he does this that all the clerks run into the back clerical area to take shelter.

Mr. Gelbstein and I called Mr. Schoen and asked for his counsel. He agreed with us that the best course of action was to ban Mr. Cappagrosso from the building.

After taking everyone's statement, Mr. Gelbstein and I met with Mr. Cappagrosso. We asked him for his version of the prior day's events and he admitted to shouting the religious obscenities and trying to punch, as he put it, the air in front of Mr. Mayer's face. He was not remorseful and claimed that he needs to punch the walls in our office to let out steam. I also observed that his knuckles were severely bruised.

At this point Mr. Gelbstein and I felt that the wellbeing of the office was at risk and we asked Mr. Cappagrosso to leave the building and not to return till further notice. He was escorted out of the building by two Sgt. From the police room. The clerical staff reiterated to me how scarred they were of Mr. Cappagrosso and how they felt that at any time he may punch one of them instead of the wall.

Today I spoke to Brooklyn's District Attorney's office. They put me in touch with the Action Center and Mr. Dave Casona responded to my inquiry for an order of protection for the clerical staff. He informed me that Mr. Cappagrosso must be arrested or issued a desk appearance ticket before the DA's office would go to court with us and ask for an order of protection.

I am not sure if Mr. Mayer would file a complaint and I don't know if a desk appearance would be issued based on Mr. Cappagrosso hitting our walls.

I also called Mr. Zarillo from the Bar Association's Grievance Committee. He has not returned my call as of yet. I will be filing a complaint with that body on Tuesday.

Please let me know if you have any questions about this issue.

Thanks for all your help and support.

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